

HOME SCHOOL AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: _____

LONG TITLE**General Description:**

This bill removes the notary requirement on a home school affidavit.

Highlighted Provisions:

This bill:

- removes the notary requirement on a home school affidavit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****53G-6-204**, as last amended by Laws of Utah 2023, Chapter 162

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53G-6-204** is amended to read:**53G-6-204. School-age children exempt from school attendance.**

(1) (a) A local school board or charter school governing board may excuse a school-age child from attendance for any of the following reasons:

- (i) a school-age child over [age] 16 years old may receive a partial release from school to enter employment, or attend a trade school, if the school-age child has completed grade 8; or



(ii) on an annual basis, a school-age child may receive a full release from attending a public, regularly established private, or part-time school or class if:

(A) the school-age child has already completed the work required for graduation from high school;

(B) the school-age child is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;

(C) proper influences and adequate opportunities for education are provided in connection with the school-age child's employment; or

(D) the district superintendent or charter school governing board has determined that a school-age child over ~~[the age of]~~ 16 years old is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(b) A school-age child receiving a partial release from school under Subsection (1)(a)(i) is required to attend:

(i) school part time as prescribed by the local school board or charter school governing board; or

(ii) a home school part time.

(c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.

(d) A local school board or charter school governing board that excuses a school-age child from attendance as provided by this Subsection (1) shall issue a certificate that the child is excused from attendance during the time specified on the certificate.

(2) (a) (i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or attempted felony offense of which an individual is convicted, or to which an individual pleads guilty or no contest, for conduct that constitutes any of the following:

(A) child abuse under Section 76-5-109;

(B) aggravated child abuse under Section 76-5-109.2;

(C) child abandonment under Section 76-5-109.3;

(D) commission of domestic violence in the presence of a child under Section 76-5-114;

(E) child abuse homicide under Section 76-5-208;

- 59 (F) child kidnapping under Section 76-5-301.1;
- 60 (G) human trafficking of a child under Section 76-5-308.5;
- 61 (H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title 76,
62 Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;
- 63 (I) sexual exploitation of a minor under Section 76-5b-201;
- 64 (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or
- 65 (K) an offense in another state that, if committed in this state, would constitute an
66 offense described in this Subsection (2)(a)(i).
- 67 (ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a
68 school-age child from attendance, if the school-age child's parent or legal guardian files a
69 signed [~~and notarized~~] affidavit with the school-age child's school district of residence, as
70 defined in Section 53G-6-302, that:
- 71 (A) the school-age child will attend a home school; and
- 72 (B) the parent or legal guardian assumes sole responsibility for the education of the
73 school-age child, except to the extent the school-age child is dual enrolled in a public school as
74 provided in Section 53G-6-702.
- 75 (iii) If a parent or legal guardian has been convicted of child abuse or if a court of
76 competent jurisdiction has made a substantiated finding of child abuse against the parent or
77 legal guardian:
- 78 (A) the parent or legal guardian may not assume responsibility for the education of a
79 school-age child under Subsection (2)(a)(ii); and
- 80 (B) the local school board may not accept the affidavit described in Subsection
81 (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age child from
82 attendance under Subsection (2)(a)(ii) in relation to the parent's or legal guardian's intent to
83 home school the child.
- 84 (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents
85 or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the affidavit
86 described in Subsection (2)(a)(ii).
- 87 (b) A signed [~~and notarized~~] affidavit filed in accordance with Subsection (2)(a) shall
88 remain in effect as long as:
- 89 (i) the school-age child attends a home school;

(ii) the school district where the affidavit was filed remains the school-age child's district of residence; and

(iii) the parent or legal guardian who filed the signed [~~and notarized~~] affidavit has not been convicted of child abuse or been the subject of a substantiated finding of child abuse by a court of competent jurisdiction.

(c) A parent or legal guardian of a school-age child who attends a home school is solely responsible for:

(i) the selection of instructional materials and textbooks;

(ii) the time, place, and method of instruction; and

(iii) the evaluation of the home school instruction.

(d) A local school board may not:

(i) require a parent or legal guardian of a school-age child who attends a home school to maintain records of instruction or attendance;

(ii) require credentials for individuals providing home school instruction;

(iii) inspect home school facilities; or

(iv) require standardized or other testing of home school students.

(e) Upon the request of a parent or legal guardian, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent or legal guardian in achieving college and career readiness through home schooling.

(f) A local school board that excuses a school-age child from attendance under this Subsection (2) shall annually issue a certificate stating that the school-age child is excused from attendance for the specified school year.

(g) A local school board shall issue a certificate excusing a school-age child from attendance:

(i) within 30 days after receipt of a signed [~~and notarized~~] affidavit filed by the school-age child's parent or legal guardian under this Subsection (2); and

(ii) on or before August 1 each year thereafter unless:

(A) the school-age child enrolls in a school within the school district;

(B) the school-age child's parent or legal guardian notifies the school district that the school-age child no longer attends a home school; or

121 (C) the school-age child's parent or legal guardian notifies the school district that the
122 school-age child's school district of residence has changed.

123 (3) A parent or legal guardian who is eligible to file and files a signed [~~and notarized~~]
124 affidavit under Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2),
125 (5), and (6).

126 (4) (a) Nothing in this section may be construed to prohibit or discourage voluntary
127 cooperation, resource sharing, or testing opportunities between a school or school district and a
128 parent or legal guardian of a child attending a home school.

129 (b) The exemptions in this section apply regardless of whether:

130 (i) a parent or legal guardian provides education instruction to the parent's or legal
131 guardian's child alone or in cooperation with other parents or legal guardians similarly
132 exempted under this section; or

133 (ii) the parent or legal guardian makes payment for educational services the parent's or
134 legal guardian's child receives.

135 Section 2. **Effective date.**

136 This bill takes effect on May 1, 2024.